

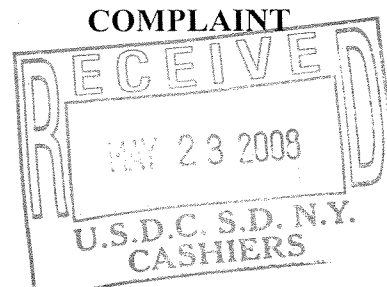
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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1199 SEIU UNITED HEALTHCARE WORKERS
EAST,

Plaintiff,

ATLANTIC HIGHLANDS NURSING HOME, INC.
a/k/a KASOT CORPORATION,

Defendant.
----- X



Plaintiff, 1199 SEIU UNITED HEALTHCARE WORKERS EAST ("Plaintiff" or "Union"), by its attorneys, Meyer, Suozzi, English & Klein, P.C., as and for its Complaint respectfully alleges as follows:

NATURE OF PROCEEDING

1. Plaintiff sues to confirm a labor arbitration award pursuant to Section 301(c) of the Labor Management Relations Act ("LMRA"), 29 U.S.C. Section 185(c).

JURISDICTION

2. This Court has jurisdiction over this proceeding pursuant to Section 301(c) of the LMRA, 29 U.S.C. Section 185(c).

VENUE

3. Venue is proper in this District pursuant to Section 301(a) of the LMRA, 29 U.S.C. Section 185(a).

THE PARTIES

4. Plaintiff Union, whose offices are located at 310 West 43rd Street, New York, New York, is a labor organization within the meaning of Section 2(5) of the LMRA, 29 U.S.C. Section 152(5).

5. Defendant Atlantic Highlands Nursing Home, Inc., a/k/a Kasot Corporation ("Atlantic Highlands") is an employer within the meaning of Section 2(2) of the LMRA, 29 U.S.C. Section 152(2). Atlantic Highlands' activities affect commerce within the meaning of Sections 2(6) and 2(7) of the LMRA, 29 U.S.C. Section 152(6) and (7).

BACKGROUND

6. Atlantic Highlands is bound by a collective bargaining agreement with the Union (the "CBA"). A copy of the CBA is attached as Exhibit 1.

7. The CBA requires that Atlantic Highlands make payments to the 1199/SEIU Greater New York Welfare Fund (the "Fund") for all covered employees.

8. In accordance with the CBA, any unresolved dispute concerning an employer's failure to make required contributions to the Fund is submitted to an Arbitrator to render a final and binding decision.

AS AND FOR ITS FIRST CAUSE OF ACTION

9. The Union repeats and realleges the allegations set forth in paragraphs "1" through "8" as stated above.

10. In accordance with the CBA, the Union submitted to arbitration before a duly designated Arbitrator, Jay Nadelbach, Esq., a dispute concerning Atlantic Highlands' failure to remit contributions to the Fund due and owing for the payroll periods September 2007 to February 2008.

11. In accordance with notice duly given, Arbitrator Nadelbach held a hearing on April 13, 2008 concerning Atlantic Highlands' failure to remit contributions to the Fund.

12. After due consideration of all the evidence presented, in an award dated April 7, 2008 (the "the April 7 Award") Arbitrator Nadelbach ruled that Atlantic Highlands violated the CBA by failing to make the required contributions to the Fund. A copy of the April 7 Award is attached as Exhibit 2. The Arbitrator directed Atlantic Highlands to pay the Fund \$118,165.06. He also directed Atlantic Highlands "to timely pay all monthly contributions to the Fund that become due and owing under the terms of the parties' agreement." April 7 Award at p.4.

13. The Arbitrator sent written notice of his award to the Union and Atlantic Highlands.

14. Atlantic Highlands has failed and refused, and continues to fail and refuse, to comply with the April 7 Award.

WHEREFORE, the Union respectfully prays for an Order and Judgment:

1. Confirming the April 7 Award of Jay F. Nadelbach, Esq.;
2. Directing Atlantic Highlands to pay the Fund \$118,165.06, plus interest at the statutory rate from April 7, 2008 until payment is received;
3. Directing Atlantic Highlands to pay all contributions to the Fund as they come due; and

4. Granting such other and further legal and equitable relief as the Court may deem just and proper, together with the reasonable attorney's fees and costs and disbursements for this proceeding.

Dated: New York, New York
May 21, 2008

MEYER, SUOZZI, ENGLISH & KLEIN, P.C.



Hanan B. Kolko (HK 1307)
Attorneys for Plaintiff
1350 Broadway, Suite 501
P.O. Box 822
New York, New York 10018-0026
212-239-4999
hkolko@msek.com